

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gary D. Wilder,	:	
	:	
Plaintiff	:	Civil Action 2:05-cv-438
	:	
v.	:	Judge Frost
	:	
Ohio Adult Parole Authority and	:	Magistrate Judge Abel
Ohio Department of Rehabilitation and	:	
Correction,	:	
	:	
Defendants	:	

ORDER

Plaintiff, a state prisoner, brought this action alleging that he was denied due process of law in parole release proceedings. This matter is before the Court on Magistrate Judge Abel's July 1, 2005 Report and Recommendation that plaintiff Wilder's June 30, 2005 motion for injunction relief (doc. 9) be denied.

Plaintiff filed this suit without prepayment of fees and costs. The Magistrate Judge's May 5, 2005 Order granting him leave to proceed *in forma pauperis* required him to pay the full amount of the Court's \$250 filing fee. 28 U.S.C. §1915(b)(1). On May 17, 2005, the Court granted plaintiff's motion to withdraw this lawsuit without prejudice. When the prison cashier continued to collect money from his inmate account, plaintiff sought injunctive relief prohibiting the cashier to make further withdrawals from his account. The Magistrate Judge recommended that plaintiff's motion for injunctive relief be denied because §1915(b)(1) does not contain a

provision relieving a prisoner of that obligation to pay the full filing fee if he dismisses the suit before defendants are served and before they respond to the complaint.

No objections have been filed to the July 1, 2005 Report and Recommendation. Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **DENIES** plaintiff Wilder's June 30, 2005 motion for injunction relief. (Doc. 9.)

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge